

ADMINISTRATIVE PROCEDURES

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| Title: MILITARY LEAVE | Identification: 3.26 |
| | 1 of 3 |
| | Effective Date: July 1, 2007 |
| Authority: SBE 6A-14.0261 FS 1001.64; 1001.65 USERRA HCC 6HX-10-3.13 | Signature/Approval: Dr. Gwendolyn W. Stephenson |

PURPOSE

This procedure establishes guidelines as specified under The Uniformed Services Employment and Reemployment Rights Act (USERRA) for a military leave of absence by a College employee.

PROCEDURE

The following procedure applies to a military leave of absence for a College employee who is a member of the uniformed services:

1. NOTIFICATION TO THE COLLEGE - For employees who are members of the uniformed services and receive orders to active duty, the following guidelines will apply:
 - A. The employee will notify the supervisor of the orders to report to active duty as soon as possible. The employee will be required to complete a Request for Leave of Absence form with the time the leave is expected to last. The supervisor will submit a HRAR1 form notifying Human Resources of the military leave.
 - B. Employees on an approved military leave will receive normal salary for the first seventeen (17) calendar days of such leave in one annual period. Leave beyond seventeen (17) days will be without pay from the College.
 - C. An employee on military leave will maintain previously accrued leave. An employee on military leave will not accrue additional leave time.
 - D. For a military leave in excess of thirty (30) days, Human Resources will forward the request for leave to the Board of Trustees for approval.
2. REEMPLOYMENT RIGHTS - An employee returning from military leave has the right to be reemployed to the same position or a comparable position attainable if a military leave had not occurred and the following are true:

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- A. The employee ensures that the College receives advance written or verbal notice of return;
- B. The employee's cumulative service with the uniformed services does not exceed five (5) years while employed by the College;
- C. The employee returns to work or applies for reemployment in a timely manner after the conclusion of service as defined by USERRA; and
- D. The employee was not separated from service with a disqualifying discharge or under other than honorable conditions.

3. BENEFIT PROTECTION WHILE ON MILITARY LEAVE

- A. The College will provide health insurance for an employee on military leave for less than 30 days.
- B. An employee on military leave for more than 30 days will be able to elect to continue health coverage for themselves and their dependents for up to 24 months. The cost cannot exceed 102% of the full premium and is payable by the first of every month. Failure to pay in a timely manner could result in the termination of coverage.
- C. If employees do not elect to continue health coverage, reinstatement will occur upon their return.
- D. During military leave an employee will continue earning vesting service time with the Florida Retirement System (FRS). Upon the return, the employee will coordinate with Human Resources to complete and submit applicable forms to the FRS so that the military leave credit will be applied.

4. RIGHTS TO BE FREE OF DISCRIMINATION OR RETALIATION - the College will not deny a member of the uniformed service the right to:

- A. reemployment;
- B. retention in employment;
- C. any benefit of employment; or
- D. other rights provided by the state or Federal Law.

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5. ENLISTMENT IN THE UNIFORMED SERVICE - An employee who enlists in the Uniformed Services will receive a military leave for extended military service.

Upon completion of his/her tour of duty, the employee will be reinstated to the same or an equivalent position, with at least the same salary. However, the employee must file an application for reemployment within the guidelines stated in USERRA.

This type of military leave will not be counted as part of an employee's years of service towards a continuing contract, but may be counted as years of service for salary purposes.

History: Replaces Procedures 2.018, Military Leave, dated May 11, 1995.